

TOWN OF WESTON, CONNECTICUT  
ZONING BOARD OF APPEALS HEARING  
March 27, 2012

MINUTES

Present: Board Members: Chairman MacLeod Snaith, Vice-Chairman Richard Wolf, Robert Gardner and Alternates: John Moran and Marilyn Parker

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Mr. Snaith opened the public hearing at 7:35 p.m. The Board Secretary read the agenda into the record.

144 STEEPHILL ROAD, owners, ELENA and INNOKENTI HALIULIN, Map 19, Block 1, Lot 98, Variance to Section 321.6 of the Zoning Regulations to allow a corner of a master bedroom/bathroom addition to be constructed 24.8 feet from the side property line

Mr. Snaith noted that this is a resubmitted application, based on the application from last month that was denied.

Ms. Haliulin came forward and presented the more complete drawings showing the extension of the master bath, noting that 5 feet of the corner will be into the side setback and they are asking for variance of 24.8 feet. She noted that the hardships are based on the topography, the grade of the land, and they need the extra space to have the doorways in compliance for handicap doors. She also noted that, based on where the house is situated, they have a lot of runoff and get pooling of water in that area.

Mr. Snaith addressed the hardships, stating that although the property is 3.9 acres, with the grade, wetlands and rocks, the only useable portion on the lot is where the house is situated and unfortunately it is close to the setbacks. He then brought discussion to alternate locations for the addition. Ms. Parker questioned whether they considered taking 5 feet off the addition and Ms. Haliulin explained that they are trying to accommodate space for 4 ft. wide handicap compliant doors and doorways.

Mr. Snaith then explained that the Board needs to see a demonstrable hardship, a reason why they should re-write the regulations for the property and he does not see a hardship. Mr. Gardner commented that the total encroachment is fairly small. Ms. Parker commented that it is still the same application and the only difference is the new drawings and it does not seem that there has been any thought to making the addition work within the setbacks. Mr. Van Deusen spoke to the guidelines and noted that there needs to be exceptional and unusual hardship that is unique to this property and he did not see that demonstrated here.

After some additional discussion, the public hearing was closed at 8:01 p.m.

**257 NEWTOWN TURNPIKE, owners, ANNE-MARIE LEVESQUE and JAMES P. CARLON, Map 14, Block 3, Lot 42, Variance to Sections 321.6 and 374 to allow a corner of a second floor bedroom addition to be constructed 26.2 feet from the side property line and 45 feet from the front property line.**

James Carlon came forward to present the application and explained that they would like to expand an existing bedroom on the second floor of the house. He noted that the small room they are seeking to expand is already within the setbacks and the master bedroom is compliant. Mr. Carlon explained that they looked at a few options, one would be to add a foundation to an existing screened porch, rebuild that and add the additional bedroom on top of that and leave the existing small room as an office. Another option would be to try to take advantage of existing space and expand enough to make a legal size bedroom, but that would create a situation where there is one bedroom feeding into another and building code requires that the bedroom have an accessway to a common hallway. Mr. Carlon noted that the hardship is based on the pre-existing, non-conforming lot with half of the house already within the setbacks. He also noted that they will not be changing the footprint and the only increase in the height nonconformity is for a portion of the second floor. Discussion ensued.

Following discussion, the public hearing was closed at 8:21 p.m.

Deliberations:

144 STEEP HILL ROAD

Voting Members: Snaith, Wolf, Gardner, Moran, Parker

Mr. Snaith began by commenting that he believes the view of the Board has been fairly well-voiced and the reason that the application is denied is because there has been no demonstrable hardship and there are alternative locations to do an addition that would not present a hardship for the applicant. Mr. Wolf commented that he was not sure why the application was re-presented and the only difference from the prior application was the drawings. Mr. Moran concurred with Mr. Wolf's opinion.

MOTION

Mr. Snaith made a motion to deny the application for a variance based on the lack of demonstrable hardship. Ms. Parker seconded. All in favor, the motion carried (5-0).

257 NEWTOWN TURNPIKE

Voting Members: Snaith, Wolf, Gardner, Moran, Parker

Mr. Wolf began by noting that this was a modest request for a small house on a small lot where 50% of the structure is already in the setback area and the request to construct a small bedroom, which only increases the non-conformity in volume and not footprint, is reasonable. The other Board members concurred.

MOTION

Mr. Wolf made a motion to approve the application for a variance to allow a corner of a second floor bedroom addition to be constructed 26.2 feet from the side and 45 feet from the front property lines, as shown on plans prepared by RK Techs dated 12/2011. The hardship is based on the pre-existing nonconforming structure on a non-conforming lot where 50% of the existing

structure is within the setbacks and the proposed addition does not expand the footprint. Mr. Gardner seconded the motion. All in favor, the motion carried (5-0).

APPROVAL OF MINUTES

Mr. Snaith made a motion to approve the Minutes from the February 28, 2012 meeting, as amended, and Mr. Gardner seconded. All in favor, the motion carried (5-0).

MOTION TO ADJOURN

Ms. Parker made a motion to adjourn the meeting and Mr. Snaith seconded. All in favor, the meeting adjourned at 8:52 p.m.

Respectfully submitted,

Delana Lustberg  
Board Secretary